

United States Bankruptcy Court  
Eastern District of Virginia  
Newport News Division

IN RE:  
BARBARA ANN COLEMAN  
Debtor

BCN#: 18-50821-FJS  
Chapter: 13

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ABS REO Trust V  
Movant/Secured Creditor,  
v.  
BARBARA ANN COLEMAN  
Debtor  
and  
MICHAEL P. COTTER  
Trustee  
Respondents

Order Lifting Automatic Stay

This matter having come before the Court on the Motion of this Secured Creditor for Relief from Stay;

IT IS ORDERED, that the automatic stay imposed by 11 U.S.C. §362(a) is lifted, as to ABS REO Trust V, holder of a certain promissory Note evidencing an indebtedness as of August 29, 2019, in the original principal amount of \$23,191.55, secured by a first priority the lien of a Deed of Trust, encumbering real property known as 492 England Ave, Hampton, VA 23669, recorded among the Land Records of the City of Hampton as Instrument Number 070024078. The land encumbered by the Deed of Trust and referenced herein below:

Parcel I:  
All that certain lot, piece or parcel of land lying, being and situate in the City of Hampton (formerly known as Wythe Magisterial District, Elizabeth City County), Virginia, being the southerly one-half, from front to rear of Lot No. Six (6), Block "A," as shown on that

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William M. Savage, Esquire VSB #26155  
Thomas J. Gartner, Esquire VSB #79340  
Mary F. Balthasar Lake, Esquire VSB #34899  
Nicole McKenzie, Esquire VSB #93990  
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Chesapeake, Virginia 23320  
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certain map or plat entitled, "JOHN L. HUTTON'S LAND," made by Girard Chambers and Son, Civil Engineers, dated November 16, 1935, and of record in the Office of the Clerk of the Circuit Court of Hampton (formerly Elizabeth City County), Virginia, in Deed Book 93, page 66. Parcel II:

All that certain lot, piece or parcel of land lying, being and situate in the City of Hampton (formerly known as Wythe Magisterial District, Elizabeth City County), Virginia, numbered and designated as Lot No. Five (5), Block No. "A," as shown on a certain map or plat entitled, "JOHN L. HUTTON'S LAND," made by Girard Chambers and Son, C.E., dated November 16, 1935, and of record in the Office of the Clerk of the Circuit Court of Hampton (formerly Elizabeth City County), Virginia, in Deed Book 93, page 66. Street Address (for identification, but not insurance purposes): 492 England Avenue, Hampton, VA 23669

IT IS FURTHER ORDERED, that such relief shall extend to the purchaser at the foreclosure sale to allow the purchaser to take such action under state law as necessary; and

IT IS FURTHER ORDERED, that the Trustee shall be relieved from the obligation of making any further payments upon the secured claim filed by ABS REO Trust V; and

IT IS FURTHER ORDERED, that F.R.B.P. 4001(a)(3) is not applicable to the case at hand and the noteholder may immediately enforce and implement this Order granting relief from the automatic stay; and

IT IS FURTHER ORDERED, that nothing contained herein shall prohibit the noteholder from adding reasonable attorney's fees and costs incurred in this proceeding to the outstanding indebtedness in accord with the terms of the subject Deed of Trust and Note and applicable state law; and

IT IS FURTHER ORDERED, that subsequent to any foreclosure sale of the subject property conducted by noteholder, the Secured Creditor may take all lawful actions to take possession of the Subject Property;

IT IS FURTHER ORDERED, that the noteholder shall promptly notify the Chapter 13 Trustee in writing of the results of any foreclosure of the subject deed and pay the Chapter 13

Trustee any excess funds received from such foreclosure sale, to be disbursed upon further order of the Court.

Sep 25 2019

Date

/s/ Frank J. Santoro

The Honorable Judge Frank J. Santoro  
United States Bankruptcy Judge

Notice of Judgment or  
Order Entered on Docket: Sep 25 2019

I ask for this:

/s/ Nicole McKenzie

Gregory N. Britto, Esquire  
William M. Savage, Esquire  
Malcolm B. Savage, III, Esquire  
Thomas J. Gartner, Esquire  
Mary F. Balthasar Lake, Esquire  
Nicole McKenzie, Esquire  
Counsel for Movant

Seen; Agreed:

Debtor(s)' Attorney Certification: By signing below, I certify that I have discussed or otherwise made the Debtor(s) aware of the terms of this order and they have agreed to said terms as outlined herein.

/s/ Charles G. Havener

Charles G. Havener, Haven Law Group P.C., Counsel for Debtor(s)

Seen:

/s/ Warren A. Uthe, Jr.

Warren A. Uthe, Jr., Staff Attorney for the Trustee

I certify that I have served the proposed Order upon all necessary parties to the action by first class mail, postage prepaid, on the 24th day of September, 2019.

/s/ Nicole McKenzie\_\_\_\_\_

Gregory N. Britto, Esquire  
William M. Savage, Esquire  
Malcolm B. Savage, III, Esquire  
Thomas J. Gartner, Esquire  
Mary F. Balthasar Lake, Esquire  
Nicole McKenzie, Esquire  
Counsel for Movant

Copies are to be sent to::

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2021 Cunningham Drive  
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Hampton, VA 23666

Michael P. Cotter  
870 Greenbrier Circle, Suite 402  
Chesapeake, VA 23320

Barbara Ann Coleman  
492 England Ave  
Hampton, VA 23669

**CERTIFICATION**

Pursuant to Local Rule 9022-1(C), I hereby certify that all necessary parties have endorsed the above order.

/s/ Nicole McKenzie

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Gregory N. Britto, Esquire  
William M. Savage, Esquire  
Malcolm B. Savage, III, Esquire  
Thomas J. Gartner, Esquire  
Mary F. Balthasar Lake, Esquire  
Nicole McKenzie, Esquire  
Attorney for Movant

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